

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21567 of 2007(P)

PETITIONER:

**C.V.RAMANUNNI, H.S.A. (MALAYALAM),
PULIYAPARAMBA HIGHER SECONDARY SCHOOL,
KODUNTHIRAPPULLY, PALAKKAD - 678 004.**

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

- 1. THE STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD.**
- 4. THE MANAGER,
PULIYAPARAMBA HIGHER SECONDARY SCHOOL,
KODUNTHIRAPPULLY, PALAKKAD - 678 004.**

BY GOVT. PLEADER SRI. A.J. VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

A.K. BASHEER, J.

W.P.(C). NO. 21567 OF 2007

Dated this the 13th day of July, 2007

J U D G M E N T

Petitioner claims that he was appointed as a High School Assistant (Malayalam) in the school under the management of respondent No.4 with effect from September 10, 2002 against a newly created post.

2. But the said appointment was not approved by the controlling officer on the ground that there was no sanctioned post to accommodate the petitioner in terms of G.O. (Ms) 123/91/G.Edn. Dated 5.8.1991 since the post had to be filled up by appointing a protected teacher.

3. The appeal preferred against the above order was dismissed by the Deputy Director of Education, as could be seen from Ext.P8 (a). Later, the Director of public Instructions also confirmed the orders passed by the subordinate authorities. Therefore the petitioner has preferred Ext.P10 revision petition before the Government.

4. The limited prayer made in this writ petition is to issue a direction to respondent No.1 to take a decision on Ext.P10

expeditiously. It is also pointed out by the learned counsel that the manager has informed respondent No.1 that he is prepared to appoint a protected teacher against the post of a specialist teacher sanctioned in the school. Ext.P12 is stated to be the communication sent by the manager in this regard. Anyhow, this is a matter to be looked into by the revisional authority when Ext.P10 is taken up for consideration.

Therefore, the writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P10, as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment. Respondent No.2 shall ensure that petitioner, apart from the managements, shall be afforded sufficient opportunity to be heard before any decision is taken. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance. Petitioner shall also send copies of the above documents to the manager by registered post for information.

A.K. BASHEER, JUDGE

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JUDGMENT

1ST MARCH, 2007